

17611 U.S. PTO  
07/11/03

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Attorney Docket P1381R1C1P4C1  
PATENT

EV 351 928 132 US: Express Mail Number

July 11, 2003: Date of Deposit

16447 U.S. PTO  
10/617573  
07/11/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
Arlington, VA 22313-1450

**NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

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Title:

**IL-17 Homologous Polypeptides and Therapeutic Uses Thereof**

**1. Type of Application**

☐ This application is for an original, non-provisional application.

☐ This is a non-provisional application claiming priority to provisional application no. \_\_, filed \_\_, the entire disclosure of which is hereby incorporated by reference.

☒ This is a ☐ continuation-in-part ☒ continuation ☐ divisional application of, and claims priority under 35 USC §120 to U.S. Non-Provisional Application No. 10/000,157, filed October 20, 2001 and to U.S. Provisional Application Nos.: 60/253,646 filed November 28, 2000; 60/244,072 filed October 26, 2000; 60/242,837 filed October 24, 2000; 60/213,807 filed June 22, 2000; 60/191,007 filed March 21, 2000, now abandoned; 60/175,481 filed January 11, 2000, now abandoned; 60/172,096 filed December 23, 1999, now abandoned; 60/138,387 filed June 9, 1999, now abandoned; 60/134,287 filed May 14, 1999, now abandoned; 60/131,022 filed April 26, 1999, now abandoned; 60/130,232 filed April 21, 1999, now abandoned; 60/113,621 filed December 23, 1998, now abandoned; 60/085,579 filed May 15, 1998, now abandoned; and to which U.S. Provisional Applications claim priority under 35 U.S.C. §119; and also claims priority to International PCT Application Nos.: PCT/US01/21735 filed July 9, 2001; PCT/US01/21066 filed June 29, 2001; PCT/US01/19692 filed June 20, 2001; PCT/US01/17800 filed June 1, 2001; PCT/US01/06520 filed February 28, 2001; PCT/US00/34956 filed December 20, 2000; PCT/US00/32678 filed December 1, 2000; PCT/US00/30873 filed November 10, 2000; PCT/US00/23328 filed August 24, 2000; PCT/US00/15264 filed June 2, 2000; PCT/US00/07532 filed March 21, 2000; PCT/US00/05841 filed March 2, 2000; PCT/US00/05601 filed March 1, 2000; PCT/US00/04341 filed February 18, 2000; PCT/US99/31274 filed December 30, 1999; PCT/US99/10733 filed May 14, 1999; PCT/US99/05028 filed March 8, 1999; to which International PCT Applications claim priority under 35 U.S.C. §120; and also claims priority to U.S. Patent Application Nos.: 09/931,836 filed August 16, 2001; 09/929,404 filed August 13, 2001; 09/918,585 filed July 30, 2001; 09/908,827 filed July 18, 2001; 09/874,503 filed June 5, 2001; 09/854,280 filed May 10, 2001; 09/854,208 filed May 10, 2001; 09/816,744 filed March 22, 2001; 09/747,259 filed December 20, 2000; 09/644,848 filed August 22, 2000; 09/380,142 filed August 25, 1999; 09/380,138 filed August 25, 1999; 09/311,832 filed May 14, 1999; to which U.S. Patent Applications claim priority under 35 U.S.C. §120., the entire disclosures of which hereby incorporated by reference.

**2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional )**

159 pages of specification

9 pages of claims

1 page of abstract

71 sheet(s) of drawings

☒ formal ☐ informal

**3. Declaration or Oath**

*(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)*

       An unsigned declaration of the inventors is enclosed. An executed declaration of the inventors will follow.

*(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*

X A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

*(for Cont./Div. where inventor(s) being deleted)*

- \_\_\_ A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

**4. Assignment**

*(for new and CIP applications)*

- \_\_\_ An Assignment of the invention to GENENTECH, INC. [] is enclosed with attached Recordation Form Cover Sheet [] will follow.

*(for cont./div.)*

- X The prior application is assigned of record to Genentech, Inc.

**5. Amendments (for continuation and divisional applications)**

- \_\_\_ Cancel in this application original claims \_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

- \_\_\_ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119**

- \_\_\_ Amend the specification by inserting before the first line the sentence:

--This is a

- \_\_\_ non-provisional application  
\_\_\_ continuation  
\_\_\_ divisional  
\_\_\_ continuation-in-part

of co-pending application(s)

- \_\_\_ Serial No. 10/000,157, filed on October 30, 2001, which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120. --  
\_\_\_ International Application \_ filed on \_ which designated the U.S., which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--  
\_\_\_ provisional application No. \_ filed \_ , the entire disclosure of which is hereby incorporated by reference and to which application(s) priority is claimed under 35 USC §119.--

**6. Fee Calculation (37 CFR 1.16)**

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$750.00
Total Claims	60	- 20 =	40	X \$18.00	\$750.00
Independent Claims	28	- 3 =	25	X \$84.00	\$2,100.00
<u>  x  </u> Multiple dependent claim(s), if any				+ \$280.00	\$280.00
Filing Fee Calculation					\$3,880.00

**7. Method of Payment of Fees**

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$3,880.00. **A duplicate copy of this transmittal is enclosed.**

**8. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

**9. Additional Papers Enclosed**

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☐ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- ☐ A new Power of Attorney or authorization of agent.
- ☐ Other:

**10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- \_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- \_\_\_\_\_ A copy of the petition for extension of time in the **prior** application is attached.

11. **Correspondence Address:**

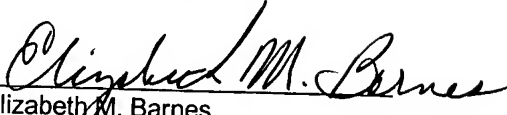
X Address all future communications to:

Attn: Elizabeth M. Barnes

Respectfully submitted,  
GENENTECH, INC.

Date: July 11, 2003

By:

  
Elizabeth M. Barnes

Reg. No. 35,059

Telephone No. (650) 225-4563



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PATENT TRADEMARK OFFICE